

OFFICE OF THE CHIEF OF POLICE

SPECIAL ORDER NO. 2

February 1, 2011

SUBJECT: REPORTING AND INVESTIGATIVE PROCEDURES FOR TRAFFIC COLLISIONS AND ASSAULT WITH A DEADLY WEAPON, MOTOR VEHICLE - REVISED

EFFECTIVE: IMMEDIATELY

PURPOSE: This Order transfers the responsibility for the reporting and investigation of all Assault with a Deadly Weapon (ADW) crimes involving motor vehicles from geographic Areas to bureau traffic divisions.

Bureau traffic collision investigators combine a level of training and experience making them the most qualified first-responders to correctly determine whether a collision is criminal in nature. Assigning the investigative responsibility for vehicle related accidents to bureau traffic divisions will provide continuity, as well as ensure the integrity of the final determination.

PROCEDURE: ASSAULT WITH A MOTOR VEHICLE - REVISED. Department Manual Section 4/227, *Assault With A Motor Vehicle*, has been revised. Unless no traffic officers are available, traffic divisions have primary responsibility for the preliminary investigation and/or reporting of ADW crimes involving motor vehicles. Patrol officers who initially arrive at the scene of ADWs involving motor vehicles shall conduct the preliminary investigation until available traffic division officers arrive at the scene.

I. TRAFFIC OFFICER'S RESPONSIBILITIES. Whenever a motor vehicle is used as a weapon in an ADW, the designated traffic officer shall arrest the suspect if present, or complete an Investigative Report (IR), Form 03.01.00, using the appropriate title if the suspect cannot be located.

A. When the suspect's vehicle makes contact with the victim (pedestrian or bicyclist) and/or any vehicle occupied by the victim, the reporting traffic officer shall:

* Complete an IR with the appropriate title:

- * "ADW with a Vehicle - Pedestrian";
- * "ADW with a Vehicle - Bicyclist"; or,
- * "ADW with a Vehicle - Victim in Vehicle";

- * Complete a diagram which accurately depicts the assault on a blank white sheet of 8 ½" X 11" paper. Number the diagram as page two of the IR, including the title of the crime report, and the Division of Record (DR) number in the upper-right hand corner; and,
- * Complete the narrative portion of the IR on a continuation sheet.

B. When the suspect's vehicle does not make contact with the victim or the vehicle that the victim occupies, the reporting officer shall complete an IR titled, "ADW with a Vehicle." No diagram is required.

C. When the suspect's vehicle does not make contact with the victim, pedestrian, bicyclist or the vehicle that the victim occupies, but strikes another person, vehicle or fixed object, resulting in a transferred intent, the reporting officer shall complete an IR with the title, "ADW with a Vehicle - (Pedestrian, Bicyclist, or Victim in Vehicle)" for the unintended victim or the title, "Vandalism" for a fixed object. Another DR number for the IR titled, "ADW with a Vehicle" shall be created for the original intended victim.

D. Whenever a motor vehicle is involved in a collision with a party where the elements of ADW are not met, but the party insists that the collision was the result of the driver's malicious intent, the reporting traffic officer shall complete a traffic report and include any statements and evidence in support of such an allegation as a page of the report, regardless of whether the collision resulted in injuries.

E. Whenever a motor vehicle is involved in an incident with a party where no contact was made, but the other party sustained an injury in an attempt to avoid an imminent collision, a traffic report will be completed.

F. Obtain the appropriate vehicle or miscellaneous DR number (Department Manual Section 5/040.56).

Note: An ADW with a motor vehicle does **not** constitute a traffic collision.

II. TRAFFIC DETECTIVE SECTION'S RESPONSIBILITIES. The traffic detective section shall be responsible for the follow-up investigation concerning all ADWs in which the weapon used is a vehicle.

The traffic detectives reviewing a traffic report with allegations of ADW will conduct reasonable follow-up. If upon further investigation it is determined that the elements of an ADW or lesser assault crime are met, the traffic detective will ensure the traffic report is appropriately reclassified.

III. TRAFFIC DIVISION'S CRIME ANALYSIS DETAIL RESPONSIBILITY. All traffic Crime Analysis Detail personnel shall input all crime codes and Modus Operandi codes related to tracking ADWs with a vehicle, including the appropriate codes to indicate if the victim was a bicyclist, pedestrian, or victim inside a vehicle.

AMENDMENT: This Order amends Section 4/227 of the Department Manual.

MONITORING RESPONSIBILITY: All traffic division commanding officers shall have monitoring responsibility for this directive.

AUDIT RESPONSIBILITY: The Commanding Officer, Internal Audits and Inspections Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.



CHARLIE BECK
Chief of Police

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